

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,406
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for Food Stamps on behalf of his daughter. The issue is whether the petitioner's daughter already receives Food Stamps as a member of another household.

FINDINGS OF FACT

1. The petitioner's daughter is 20 years old and is disabled. She primarily resides in the home of her mother, who is separated from the petitioner, although she does spend considerable time with the petitioner at his home.

2. The petitioner's daughter receives Food Stamps as part of her mother's household. In January, 1998, the petitioner applied for Food Stamps on behalf of his daughter as a member of his household.

3. As of February, 1998, the mother was appointed partial guardian for her daughter along with an attorney also appointed by the Probate Court. The petitioner appealed these appointments.

4. The fair hearing in this matter was initially convened on April 13, 1998. At that time the petitioner agreed to continue the case to see if the parties' attorneys

could reach a settlement.

5. The hearing was reconvened on May 15, 1998. The petitioner did not appear, but the attorney who is the partial guardian of the petitioner's daughter, who was at the hearing, agreed that if the petitioner did not object the matter could be continued pending the outcome of the petitioner's appeal to the Vermont Supreme Court.

6. The petitioner notified the Board in March, 1999, that he wished the matter to be heard. The matter was reconvened on April 13, 1999, at which time the petitioner informed the hearing officer that his appeal of his daughter's guardianship was still pending. However, the petitioner, citing a provision in the regulations that disabled individuals can receive their Food Stamps in cash, requested a ruling on whether his daughter could receive Food Stamps apart from her mother's household.

ORDER

The Department's decision is affirmed.

REASONS

Regardless of the form in which individuals receive their Food Stamps (e.g., cash, coupons, debit cards, etc.), Section 273.1(a)(2)(i)(D) requires that parents living with their children under age 21 must be considered a single Food Stamp household. Inasmuch as the petitioner does not

dispute that his daughter is living primarily in her mother's household and is receiving Food Stamps as a member of that household, she cannot under the regulations receive Food Stamps independently as a single-person household or as a member of another household with whom she is not living.

Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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